

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE STATIC RANDOM ACCESS
 MEMORY (SRAM) ANTITRUST
 LITIGATION

) Case No. M:07-cv-01819-CW

) MDL No. 1819

) **JOINT CASE MANAGEMENT**
) **CONFERENCE STATEMENT**

 This Document Relates to:

ALL ACTIONS

In accordance with the Court's Standing Order and the First Pretrial Order, the parties hereby submit this Joint Case Management Conference Statement in advance of the Case Management Conference scheduled for June 1, 2007 at 1:30 p.m.

1. Jurisdiction: The Direct-Purchaser complaints in this action have been filed under Section 1 of the Sherman Act, 15 U.S.C. § 1, seeking damages under Section 4 of the Clayton Act, 15 U.S.C. § 15, upon which federal jurisdiction is predicated. The Indirect-Purchaser complaints in this action allege claims for injunctive relief under Section 16 of the Clayton Act, 15 U.S.C. § 26, for violations of Section 1 of the Sherman Act, 15 U.S.C. § 1, and violations of various state antitrust and consumer protection laws, both as supplemental claims under 28

1 U.S.C. § 1367, and as original jurisdiction under the Class Action Fairness Act, 28 U.S.C. §
2 1332.

3 Plaintiffs contend that this Court has jurisdiction over the federal claims under 28 U.S.C.
4 §§ 1331 and 1337. Plaintiffs also contend that this Court has jurisdiction over the state law
5 claims asserted by the indirect-purchaser plaintiffs under 28 U.S.C. § 1367, as well as, under 28
6 U.S.C. § 1332, as amended by the Class Action Fairness Act.

7 Certain defendants may contest jurisdiction.

8 By Order dated February 9, 2007, the Judicial Panel on Multidistrict Litigation
9 transferred all related SRAM cases to this Court for coordination and/or consolidation of pretrial
10 proceedings.

11 2. Service: All defendants in these actions have not been served. Some of the
12 parties will generally agree to an extension of the 120-day service period for those defendants
13 not yet served. Such period shall commence following the filing of a Consolidated Amended
14 Complaint (“Complaint”) by the Direct-Purchaser Plaintiffs and a separate Consolidated
15 Amended Complaint by the Indirect-Purchaser Plaintiffs. However, all defendants are not
16 similarly situated, and service issues may need to be resolved on a case by case basis.

17 3. Facts: There are two general categories of cases in these related actions: (1) those
18 brought under federal law on behalf of *direct* purchasers, and (2) those brought under federal law
19 for injunctive relief and pendant claims brought under state laws on behalf of *indirect*
20 purchasers, for which there are over seventy complaints covering twenty-five different states.
21 All plaintiffs allege that they purchased SRAM computer chips either directly or indirectly from
22 defendants or from their alleged co-conspirators. Plaintiffs sue to recover damages allegedly
23 caused by the defendants’ alleged conspiracy to raise, fix, maintain and/or stabilize prices on
24 SRAM chips sold in the United States and elsewhere. All plaintiffs claim that the alleged
25 conspiracy began no later than January 1, 1998 and continued through at least December 31,
26 2005 (the “Class Period”).
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1 In or about October of 2006, the Antitrust Division of the United States Department of
2 Justice ("DOJ") sent out subpoenas to some but not all of the defendants in connection with an
3 investigation of alleged cartel activity in the SRAM industry.

4 4. Legal Issues:

5 4.a. Plaintiffs' Statement: Plaintiffs respectfully suggest that legal issues
6 include, but are not limited to:

- 7 i. Whether classes of persons who purchased SRAM chips directly or
8 indirectly from defendants should be certified and whether plaintiffs
9 adequately represent those classes;
- 10 ii. Whether defendants engaged in a contract, combination or conspiracy to
11 fix, raise, maintain or stabilize the prices of, and/or allocate the markets
12 for, SRAM in the United States;
- 13 iii. Whether the conduct of defendants that is allegedly unlawful under the
14 applicable laws caused prices of SRAM in the United States to be
15 artificially high and at anti-competitive levels;
- 16 iv. Whether plaintiffs and other members of the class alleged by plaintiffs
17 were injured by the alleged unlawful conduct of defendants and, if so, the
18 appropriate class-wide measure of damages.

19 4.b. Defendants' Statement: Defendants respectfully suggest that legal issues
20 include, but are not limited to:

- 21 i. Whether each defendant has been properly served with process;
- 22 ii. Whether the Court has personal jurisdiction over defendants who have
23 been properly served;
- 24 iii. Whether the Court has subject matter jurisdiction over each of the claims
25 plaintiffs assert;
- 26 iv. Whether these proceedings should be stayed, in whole or in part, due to
27 the pending investigation of the United States Department of Justice
28

Antitrust Division;

- v. Whether plaintiffs have alleged a conspiracy that satisfies the pleading requirements for a conspiracy under *Bell Atlantic Corp. v. Twombly*, ___ U.S. ___, 2007 WL 141066 (U.S. May 21, 2007);
- vi. Whether plaintiffs have standing to assert their claims;
- vii. Whether any class of direct or indirect purchasers of SRAM may be certified;
- viii. Whether defendants engaged in a contract, combination or conspiracy to fix, raise, maintain or stabilize the prices of, and/or allocate the markets for, SRAM in the United States;
- ix. Whether "SRAM" constitutes a single relevant market and, if not, the appropriate product market definition;
- x. Whether the conduct of defendants that is allegedly unlawful under the applicable laws caused prices of SRAM in the United States to be artificially high and at anti-competitive levels;
- xi. Whether plaintiffs and other members of the class alleged by plaintiffs were injured by the alleged unlawful conduct of defendants and, if so, the appropriate class-wide measure of damages.

5. Amendment of Pleadings: Interim Lead Class Counsel for the Direct-Purchaser Plaintiffs and Interim Lead Class Counsel for the Indirect-Purchaser Plaintiffs shall file separate Consolidated Amended Complaints by June 15, 2007.

6. Threshold Motions:

6.a. Plaintiffs' Statement: At present, no motions have been filed. At this time, plaintiffs have not been advised of anticipated motions that defendants intend to file. However, plaintiffs believe that the conspiracy is sufficiently alleged and no motion could result in dismissal of the entire case. Plaintiffs do not know whether or which defendants will contend that there is no personal jurisdiction. If there turns out to be such a response, discovery likely

1 will be necessary on any jurisdictional motions. Motions may be necessary should discovery
 2 disputes arise. It is anticipated that plaintiffs will file motions for class certification in
 3 accordance with the schedule below. Because plaintiffs have yet to file their Consolidated
 4 Amended Complaints, any discussion of *Bell Atlantic Corp. v. Twombly*, ___ U.S. ___, 2007 WL
 5 1461066 (U.S. May 21, 2007) is premature. Plaintiffs see no reason to discuss this decision at
 6 this Case Management Conference.

7 6.b. Defendants' Statement: On May 21st, the United States Supreme Court
 8 issued its decision in *Bell Atlantic Corp. v. Twombly*, ___ U.S. ___, 2007 WL 1461066 (U.S.
 9 May 21, 2007), holding that a complaint fails to state an actionable claim under section 1 of the
 10 Sherman Act where it fails to allege "enough factual matter . . . to suggest that an agreement was
 11 made." See Opinion ("Op.") attached as Exhibit C, at 6. Conclusory allegations of
 12 "conspiracy", without more, are insufficient. *Id.* In reaching this result the Court not only
 13 affirmed the general principle that the "formulaic recitation of the elements of a cause of action
 14 will not do" (*id.*, citing *Papasan v. Allain*, 478 U.S. 265, 286 (1976)), but expressly disapproved
 15 the oft-quoted (though misinterpreted) language from *Conley v. Gibson*, 335 U.S. 41, 47 (1957),
 16 that "a complaint should not be dismissed for failure to state a claim unless it appears beyond
 17 doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him
 18 to relief." 335 U.S. at 45-46. "This famous observation," said the Court, "has earned its
 19 retirement" and "is best forgotten as an incomplete, negative gloss on an accepted pleading
 20 standard." Op., Exh. C at 8.

21 Tested against the Supreme Court's decision in *Twombly*, there is no doubt that the
 22 various complaints now before the Court fall seriously short. In *Twombly*, the Court ruled that a
 23 complaint that contained no more than "an allegation of parallel conduct and a bare assertion of
 24 conspiracy will not suffice." Op, Exh. C at 6. In these cases, not even that much is provided.
 25 Taking, as an example, the complaint filed by lead counsel for the direct purchasers, *Ma. v.*
 26 *Alliance Semiconductor Corp.*, No. C 06 6511 ("Complaint"), plaintiffs assert no more than that
 27 the defendants are manufacturers of SRAM, that prices of SRAM declined for several years and
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1 that “[i]n view of the economic conditions of the industry, the defendants entered into
2 agreements designed to combat the price decline in the industry.” Complaint, paragraphs 45-47,
3 52-54. No factual information as to the time, place, date or parties to any such alleged
4 agreements is provided. The facially innocuous (and commonplace) fact that prices may have
5 varied over time does not, standing alone, remotely imply the existence of an agreement to fix
6 prices. The only additional gloss on these bare bones, conclusory assertions are the recitation
7 that a few of the defendants named in the complaint previously had been involved in the so-
8 called “DRAM” cases and the fact that the Antitrust Division is investigating “the SRAM
9 market.” See Complaint, paragraphs 55-56. Those matters add nothing of substance to the
10 allegations made as against any defendant, particularly those firms that were not involved in the
11 DRAM cases and/or have not even received subpoenas from the United States as part of its
12 pending investigation.

13 Given the demonstrable failure of the present complaints to meet the standards
14 established by the Supreme Court’s decision in *Twombly*, defendants expect to move to dismiss
15 the complaints in these proceedings unless plaintiffs are able to provide—consistent with Rule
16 11—“factual” allegations sufficient to show that each of the defendants sued here has
17 participated in a conspiracy to raise SRAM prices. Meanwhile, as we explain in greater detail in
18 Section 17, *infra*, there is no basis for these cases to proceed with discovery. The Court was
19 quite explicit in noting that—as it first said in another antitrust case, *Associated General*
20 *Contractors of Cal., Inc. v. Carpenters*, 459 U.S. 519, 528 n.17 (1983)—“a district court must
21 retain the power to insist upon some specificity in pleading before allowing a potentially massive
22 factual controversy to proceed.” Op., Exh. C at 7. See pp. 8-9, *infra*.

23 In addition to moving to dismiss the Consolidated Amended Complaints based on
24 *Twombly*, defendants anticipate that other threshold motions to dismiss may include motions
25 based on insufficiency of service of process, lack of personal jurisdiction, lack of subject matter
26 jurisdiction, lack of standing, and possibly other pleading defects. Defendants do not agree that a
27 motion based on lack of personal jurisdiction is likely to require discovery as to that issue.
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1 Where practicable defendants will coordinate their efforts to minimize duplicative
2 motions directed to the Consolidated Amended Complaints; however, no defendant shall be
3 prevented from filing any motion that it deems to be in its best interest.

4 7. Evidence Preservation: The parties are taking reasonable steps to implement the
5 preservation of evidence provision in Pretrial Order No. 1. Plaintiffs and defendants will meet
6 and confer with respect to electronic evidence in accordance with Federal Rule of Civil
7 Procedure 26.

8 8. Disclosures:

9 8.a. Plaintiffs' Statement: Plaintiffs believe that Initial Disclosures should
10 occur on or before June 15, 2007.

11 8.b. Defendants' Statement: Defendants believe that Initial Disclosures should
12 be deferred until resolution of their anticipated motions to dismiss and those defendants who
13 remain in the case, if any, have filed Answers to the Consolidated Amended Complaints.

14 9. Discovery: Discovery for the Direct-Purchaser Plaintiffs and the Indirect-
15 Purchaser Plaintiffs shall be coordinated.

16 10. Class Actions: The Direct-Purchaser Plaintiffs and the Indirect-Purchaser
17 Plaintiffs each anticipate filing their own respective Motion for Class Certification. Defendants
18 anticipate that they will oppose the Motions for Class Certification.

19 11. Related Cases: By Order dated February 9, 2007, the Judicial Panel on
20 Multidistrict Litigation transferred all related SRAM cases to this Court for coordination and/or
21 consolidation of pretrial proceedings. The cases pending before this Court are set forth on the
22 attached Exhibit A.

23 12. Relief: Plaintiffs seek money damages, including treble damages for violations of
24 the federal antitrust laws, damages to the maximum extent allowed under the various state laws,
25 money, restitution and/or disgorgement for violations of state unfair competition laws, and
26 injunctive relief against continued practices. Plaintiffs also seek their attorneys' fees and costs
27 pursuant to law. Defendants deny that any plaintiff is entitled to any relief.
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1 13. Settlement and ADR: The parties agree that ADR procedures may be appropriate
 2 at a future date. The parties do not believe a settlement conference is appropriate at this time, but
 3 will endeavor to engage in settlement discussions independent of court involvement at such time
 4 as those conversations may be appropriate.

5 14. Consent to Magistrate Judge for All Purposes: The parties do not consent to have
 6 a magistrate judge conduct all further proceedings including trial.

7 15. Other References: The parties would not be adverse to the appointment of a
 8 special master to address potential discovery disputes.

9 16. Expedited Schedule: The parties do not believe this is the type of case that can be
 10 handled on an expedited basis with streamlined procedures.

11 17. Scheduling:

12 17.a. Plaintiffs' Statement: See plaintiffs' proposed schedule attached as
 13 **Exhibit B**.

14 17.b. Defendants' Statement: As set forth in detail in defendants' proposed
 15 schedule, defendants believe that any pre-trial schedule needs to take account of two overriding
 16 considerations: first, that in light of the Supreme Court's decision yesterday in *Twombly* (Exh. C
 17 hereto), no discovery is appropriate unless and until plaintiffs have filed a legally sufficient
 18 complaint and, second, in light of the pending investigation involving some of the defendants
 19 discovery ought to be stayed (with limited exceptions) pending completion of that investigation.
 20 Defendants discuss each of these issues briefly, in turn.

21 1. Twombly

22 As discussed previously, in Section 6b, *supra*, the Supreme Court on May 21 held that an
 23 antitrust conspiracy complaint is insufficient unless it contains sufficient factual allegations
 24 beyond conclusory assertions of a conspiracy among the defendants. In this case, not only are
 25 such allegations lacking as a general matter, but it seems evident that plaintiffs have simply sued
 26 any company that the plaintiffs were able to identify as a seller of SRAM without regard to the
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1 nature of its business or, even, whether that defendant is subject to the pending investigation.
2 That is precisely the type of case, and the type of pleading, that *Twombly* intends to foreclose.

3 In reaching its decision, the Court went out of its way to discuss at some length the
4 essential relationship between a sufficient complaint and the commencement of discovery. The
5 Court noted that “it is one thing to be cautious before dismissing an antitrust complaint in
6 advance of discovery . . . but quite another to forget that proceeding to antitrust discovery can be
7 expensive.” *Op.*, Exh. C at 7. The Court then quoted, with approval, both its earlier statement in
8 *Associated General Contractors*, that we mentioned previously (see p. 6, *supra*) as well as the
9 Seventh Circuit’s observation that “the costs of modern federal antitrust litigation and the
10 increasing caseload of the federal courts counsel against sending the parties into discovery”
11 when it is not apparent that there is a viable antitrust claim. *Id.*, quoting *Car Carriers, Inc. v.*
12 *Ford Motor Co.*, 745 F.2d 1101, 1106 (7th Cir. 1984).

13 The Court also expressly rejected the proposition that “a claim just shy of a plausible
14 entitlement to relief can, if groundless, be weeded out early in the discovery process through
15 ‘careful case management’.” *Id.* Rather, “it is only by taking care to require allegations that
16 reach the level suggesting conspiracy that we can hope to avoid the potentially enormous
17 expense of discovery” in cases that lack merit. *Id.*

18 If plaintiffs can file a complaint that meets the *Twombly* standard, then it will impose
19 little burden on them to do so. On the other hand, if imposing that modest requirement
20 demonstrates—either generally, or as to certain defendants—that plaintiffs can state no more
21 than what can be gleaned from a newspaper and a list of industry participants, then that will
22 prevent the type of misuse of the litigation process to which *Twombly* speaks.

23 In addition, some defendants may have valid jurisdictional objections. If a defendant is
24 not subject to the jurisdiction of the Court, it should not be put to the burden of responding to
25 discovery requests.

1 2. The DOJ Investigation

2 *Twombly* dictates that discovery be stayed until motions to dismiss are resolved. In
 3 addition, discovery ought to be stayed, with limited exceptions, pending resolution of what we
 4 understand will be a request for stay that will be made to plaintiffs and, if necessary, the Court by
 5 the United States. That request will be made in order to allow the investigative process to be
 6 carried out without interference by private litigation. Defendants' proposed discovery schedule
 7 builds in a one-year period for such a stay, having in mind that less or more time may be ordered
 8 by the Court. That is an issue that the Court can monitor with the assistance of the Antitrust
 9 Division.

10 Defendants' proposed schedule carves out from this "stay" production of documents
 11 produced to the Grand Jury as well as basic sales data. Under defendants' schedule, those will be
 12 produced 30 days after an answer is filed. It is defendants' understanding that these carve-outs
 13 will be acceptable to the United States.

14 Staying discovery (except as above provided) in light of the pending investigation will
 15 not bring these cases to a halt since it will take several months for the Court to hear and resolve
 16 pleading and jurisdictional motions. See Exhibit B. Since, in defendants' view, *Twombly*
 17 requires a stay until that time in any event, the potential delay may not end up being particularly
 18 lengthy. In all events, however, a stay pending completion of the government investigation is
 19 appropriate not only in the interests of the defendants, but in the interests of allowing the
 20 government to proceed efficiently in what it believes is the public interest.

21 18: Trial and Narrowing of Issues: All plaintiffs have demanded trial by jury. The
 22 parties are not presently in a position to address whether: (a) it is feasible or desirable to
 23 bifurcate issues for trial; (b) to estimate the anticipated length of trial; or (c) it is possible to
 24 reduce the length of the trial by stipulation, use of summaries or other expedited means of
 25 presenting evidence.

26 19. Disclosure of Non-party Interested Entities or Persons: The parties are in the
 27 process of filing their "Certification of Interested Entities or Persons" as required by Civil Local
 28

Rule 3-16. The following individuals or entities have filed their "Certification of Interested Entities or Persons" as required by Civil Local Rule 3-16: Sharp Electronics Corporation; Cypress Semiconductor Corporation; Alliance Semiconductor Corporation; Integrated Device Technology, Inc.; GSI Technology, Inc.; IBM Corporation; Sony Electronics Inc.; Sony Corporation of America; Sony Corporation; Winbond Electronics Corporation America; Reclaim Center, Inc.; STMicroelectronics N.V.; STMicroelectronics Design and Applications S. de R.L. de C.V.; STMicroelectronics Ltd.; STMicroelectronics, Inc.; NEC Electronics America, Inc.; Hynix Semiconductor, Inc.; Hynix Semiconductor America, Inc.; Micron Technology, Inc.; NEC Electronics Corporation; Samsung Electronics America; Toshiba America Inc.; Toshiba America Electronic Components; Telular Corporation; Westell Technologies, Inc.; Frederick Roza; Arthur Madsen; Don Thompson; David Takeda; Candace Rowlette; Kym Masters; Chad Klebs; Susan Juilfs; Craig Friedson; Mark Pierce; Stephanie Truong; Henry Truong; Trong H. Nguyen; Jo Nash; Judd Eliasoph; Roxanne Miller; Lawrence Markey; Karol Juskiewicz; Jaimie Thompson; Michael Francis Ayers; Jamie Maite; Alexander Ma; Alec Berezin; Dataplex, Inc.

20. Defense Liaison Counsel. Defendants propose a steering committee for issues of common interest consisting of the following: (1) Thelen Reid Brown Raysman & Steiner LLP (NEC Electronics America, Inc.); (2) Sheppard, Mullin, Richter & Hampton LLP (Samsung Semiconductor, Inc.); (3) Covington & Burling LLP (Integrated Device Technology, Inc.); (4) O'Melveny & Myers LLP (Hynix Semiconductor America, Inc.) and (5) Latham & Watkins LLP (Toshiba America, Inc.). For notice and administrative purposes only, defendants propose Thelen Reid Brown Raysman & Steiner LLP as defense liaison counsel. Defense Liaison Counsel have no ability to bind other defendants.

21. Other Matters. The parties agree, and ask the Court to order, that electronic filing of documents with the Court constitutes sufficient notice to all parties in the case. No service of hard-copy documents on parties is required.

1 Date: May 22, 2007

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EXHIBIT A**DIRECT PURCHASER CONSOLIDATED ACTIONS**

Title of Action	Case Number	Date Filed
<i>Autotime Corporation v. Samsung Electronics Company, Ltd. et al</i>	4:06-cv-07851-CW	10/17/06
<i>Ma v. Alliance Semiconductor Corporation et al</i>	4:06-cv-06511-CW	10/18/06
<i>Westell Technologies Inc. v. Alliance Semiconductor Corporation et al</i>	4:06-cv-06652-CW	10/25/06
<i>Chip-Tech, Ltd. v. Cypress Semiconductor Corporation et al</i>	4:06-cv-06698-CW	10/27/06
<i>Telular Corporation v. Alliance Semiconductor Corporation et al</i>	4:06-cv-07637-CW	12/13/06
<i>Berezin v. Alliance Semiconductor Corporation et al</i>	4:07-cv-01037-CW	02/20/07

INDIRECT PURCHASER CONSOLIDATED ACTIONS

Title of Action	Case Number	Date Filed
<i>Dataplex, Inc. v. Alliance Semiconductor Corporation et al</i>	4:06-cv-06491-CW	10/17/06
<i>Proiette v. Cypress Semiconductor Corporation et al</i>	4:06-cv-06501-CW	10/18/06
<i>Reclaim Center, Inc. et al v. Samsung Electronics Co., Ltd. et al</i>	4:06-cv-06533-CW	10/18/06
<i>Ribo v. Cypress Semiconductor Corporation, et al.</i>	4:06-cv-06535-CW	10/19/06
<i>Price v. Cypress Semiconductor Corporation et al</i>	4:07-cv-01018-CW	10/19/06
<i>Madsen v. Samsung Electronics Co., Ltd. et al</i>	4:06-cv-06541-CW	10/19/06
<i>Maites et al v. Samsung Electronics Co., Ltd. et al</i>	4:06-cv-06542-CW	10/19/06
<i>Bisel v. Cypress Semiconductor Corporation et al</i>	4:07-cv-01621-CW	10/23/06
<i>Juskiewicz v. Samsung Electronics Co. Ltd. et al</i>	4:06-cv-06668-CW	10/26/06

Title of Action	Case Number	Date Filed
<i>Munoz v. Samsung Electronics Co. Ltd. et al</i>	4:07-cv-01622-CW	10/27/06
<i>Takeda v. Alliance Semiconductor Corporation et al</i>	4:06-cv-06663-CW	10/27/06
<i>Benson et al v. Alliance Semiconductor Corporation et al</i>	4:07-cv-01648-CW	10/27/06
<i>Miles v. Samsung Electronics Company Ltd. et al</i>	4:07-cv-01617-CW	10/31/06
<i>Ayers et al v. Samsung Electronics Co., Ltd. et al</i>	4:06-cv-06770-CW	10/31/06
<i>Fairmont Orthopedics & Sports Medicine, PA v. Samsung Electronics Co. Ltd. et al</i>	4:07-cv-01635-CW	11/01/06
<i>Kornegay v. Samsung Electronics, Co., Ltd. et al</i>	4:07-cv-01637-CW	11/02/06
<i>Barnes v. Samsung Electronics Co. Ltd. et al</i>	4:07-cv-01625-CW	11/03/06
<i>Stawski v. Samsung Electronics Co, Ltd. et al</i>	4:07-cv-01651-CW	11/06/06
<i>Jacobs v. Alliance Semiconductor Corporation et al</i>	4:07-cv-01655-CW	11/07/06
<i>Morgan v. Alliance Semiconductor Corp. et al</i>	4:07-cv-01616-CW	11/08/06
<i>Thompson et al v. Alliance Semiconductor Corporation et al</i>	4:06-cv-07006-CW	11/08/06
<i>Cater v. Samsung Electronics Co., Ltd. et al</i>	4:07-cv-01640-CW	11/09/06
<i>Stargate Films Inc. v. Alliance Semiconductor Corporation et al</i>	4:06-cv-07007-CW	11/09/06
<i>Bly v. Alliance Semiconductor Corp. et al</i>	4:07-cv-01623-CW	11/13/06
<i>Ferguson v. Samsung Electronics Company, Ltd. et al</i>	4:07-cv-01628-CW	11/13/06
<i>Hawk v. Cypress Semiconductor Corporation et al</i>	4:07-cv-01642-CW	11/13/06
<i>Lambert et al v. Samsung Electronics Co. Ltd. et al</i>	4:07-cv-01656-CW	11/13/06
<i>Davis et al v. Alliance Semiconductor Corp. et al</i>	4:07-cv-01627-CW	11/14/06
<i>Lauttamus v. Cypress Semiconductor Corporation et al</i>	4:07-cv-01654-CW	11/14/06

Title of Action	Case Number	Date Filed
<i>Sterenbergh v. Alliance Semiconductor Corporation et al</i>	4:07-cv-01619-CW	11/15/06
<i>Steinberg v. Alliance Semiconductor Corporation et al</i>	4:07-cv-01641-CW	11/15/06
<i>Crawford v. Cypress Semiconductor Corporation et al</i>	4:07-cv-01647-CW	11/17/06
<i>Katz v. Samsung Electronics Co Ltd et al</i>	4:06-cv-07194-CW	11/20/06
<i>Bagwell v. Alliance Semiconductor Corporation et al</i>	4:07-cv-01634-CW	11/21/06
<i>Romero v. Alliance Semiconductor Corporation et al</i>	4:07-cv-01643-CW	11/21/06
<i>Livingston v. Cypress Semiconductor Corporation et al</i>	4:07-cv-01636-CW	11/22/06
<i>McDonald v. Alliance Semiconductor Corp. et al</i>	4:07-cv-01646-CW	11/22/06
<i>CMP Consulting, Inc. v. Cypress Semiconductor Corporation et al</i>	4:07-cv-01626-CW	11/27/06
<i>Cuevas v. Cypress Semiconductor Corporation et al</i>	4:07-cv-01644-CW	11/21/06
<i>Hall v. Alliance Semiconductor Corporation et al</i>	4:07-cv-01615-CW	11/28/06
<i>Kramer v. Alliance Semiconductor Corp. et al</i>	4:07-cv-01632-CW	11/29/06
<i>Martin v. Cypress Semiconductor Corporation et al</i>	4:07-cv-01633-CW	11/30/06
<i>Watson v. Cypress Semiconductor Corporation et al</i>	4:07-cv-01650-CW	11/30/06
<i>Paguirigan v. Cypress Semiconductor Corporation et al</i>	4:06-cv-01653-CW	12/01/06
<i>Markey v. Alliance Semiconductor Corporation et al</i>	4:06-cv-07428-CW	12/05/06
<i>Olson v. Alliance Semiconductor Corp. et al</i>	4:07-cv-01639-CW	12/08/06
<i>Reedy v. Cypress Semiconductor Corporation et al</i>	4:06-cv-07731-CW	12/18/06
<i>Harmon v. Alliance Semiconductor Corporation et al</i>	4:07-cv-01618-CW	12/20/06
<i>Luekel v. Alliance Semiconductor Corp. et al</i>	4:07-cv-01630-CW	12/20/06

Title of Action	Case Number	Date Filed
<i>Gertzen v. Cypress Semiconductor Corporation et al</i>	4:07-cv-01645-CW	12/21/06
<i>Birdsong v. Samsung Electronics Company Limited et al</i>	4:07-cv-01649-CW	12/21/06
<i>Canada v. Samsung Electronics Co., Ltd et al</i>	4:07-cv-01624-CW	12/22/06
<i>Greenwell et al v. Alliance Semiconductor Corp. et al</i>	4:06-cv-07950-CW	12/29/06
<i>Ralik v. Cypress Semiconductor Corporation et al</i>	4:07-cv-00228-CW	01/12/07
<i>Hickman v. Cypress Semiconductor Corporation et al</i>	4:07-cv-01638-CW	01/12/07
<i>Vinson et al v. Cypress Semiconductor Corp. et al</i>	4:07-cv-01620-CW	01/17/07
<i>Van Dyk v. Cypress Semiconductor Corporation et al</i>	4:07-cv-01629-CW	01/17/07
<i>Clarke v. Cypress Semiconductor Corporation et al</i>	4:07-cv-01631-CW	01/19/07
<i>Belke v. Cypress Semiconductor Corporation et al</i>	4:07-cv-01652-CW	01/19/07
<i>Baranic v. Samsung Electronics Co, Ltd. et al</i>	4:07-cv-00509-CW	01/25/07
<i>Barnes v. Alliance Semiconductor Corporation et al</i>	4:07-cv-00916-CW	02/13/07
<i>Perez v. Alliance Semiconductor Corporation et al</i>	4:07-cv-00918-CW	02/13/07
<i>Koch v. Samsung Electronics Co. Ltd. et al</i>	4:07-cv-00949-CW	02/14/07
<i>Hochstein v. Samsung Electronics Co., Ltd. et al</i>	4:07-cv-00950-CW	02/14/07
<i>Kreitzer et al v. Cypress Semiconductor Corporation et al</i>	4:07-cv-00969-CW	02/15/07
<i>Salzman et al v. Cypress Semiconductor Corporation et al</i>	4:07-cv-00993-CW	02/16/07
<i>Sparks v. Cypress Semiconductor Corporation et al</i>	4:07-cv-01999-CW	02/01/07
<i>Carrillo v. Cypress Semiconductor Corporation et al</i>	4:07-cv-02138-CW	03/01/07
<i>Zaas v. Samsung Electronics Co., Ltd et al</i>	4:07-cv-02136-CW	03/02/07

Title of Action	Case Number	Date Filed
<i>Austin v. Samsung Electronics Co. Ltd. et al</i>	4:07-cv-02137-CW	03/02/07
<i>Allen v. Cypress Semiconductor Corporation et al</i>	4:07-cv-02134-CW	03/03/07
<i>Karadsheh v. Cypress Semiconductor Corporation et al</i>	4:07-cv-02135-CW	03/06/07
<i>Fitzsimmons v. Samsung Electronics Co. Ltd. et al</i>	4:07-cv-02287-CW	03/08/07
<i>Sullivan v. Cypress Semiconductor Corporation et al</i>	4:07-cv-02386-CW	03/30/07

EXHIBIT B**CASE MANAGEMENT SCHEDULE**

Event	Plaintiffs' Proposed Dates	Defendants' Proposed Dates	Ordered Date
Defendants produce all documents provided to the Department of Justice or any Grand Jury in connection with investigation of SRAM chips and agree that for those Defendants who are also Defendants in the DRAM Antitrust Litigation, all documents produced in that case that refer to SRAM should be deemed produced in this case and used in this case.	June 8, 2007	See schedule below. (Defendants have not so agreed.)	
Last day for Direct-Purchaser and Indirect-Purchaser Plaintiffs to file their respective Consolidated Amended Complaints.	June 15, 2007	June 15, 2007	
Last day for Defendants to produce to Plaintiffs all transaction materials in an electronic form to be agreed upon by the parties, including sales data separated by quarter, along with all materials or information needed to read or utilize that data.	June 15, 2007	See schedule below.	
Last day for <i>served</i> defendants to respond to Consolidated Amended Complaints		July 30, 2007	
Oppositions to motions challenging Consolidated Amended Complaints		August 27, 2007	
Reply in support of motions challenging Consolidated Amended Complaints due		September 17, 2007	
Hearing on motions challenging Consolidated Amended Complaints		October 11, 2007	
Plaintiffs to complete service of the named foreign defendants.		October 15, 2007	

1	Defendants Produce All Documents Provided To the Department of Justice or Any Grand Jury in Connection With Investigation of SRAM chips.		For each defendant, 30 days after that defendant answers either Consolidated Amended Complaint.	
2				
3				
4				
5	Last day for Defendants to produce to Plaintiffs annual SRAM sales data		For each defendant, 30 days after that defendant answers either Consolidated Amended Complaint.	
6				
7				
8				
9				
10	Full fact discovery (fact & expert) commences, including written discovery and depositions, subject to the terms of the Stipulated Protective Order.	July 1, 2007 (fact & expert discovery)	June 2, 2008 ¹ (fact discovery only)	
11				
12				
13	Last day for Direct-Purchaser Plaintiffs and Indirect-Purchaser Plaintiffs to file (a) Class Certification expert reports, and (b) Motions for Class Certification.	October 1, 2007	October 1, 2008	
14				
15				
16	Opposition to Motions for Class Certification due	Defendants shall respond to motions pursuant to the Northern District of California Local Rules.	November 26, 2008	
17				
18				
19				
20	Reply briefs in support of Motions for Class Certification due	Plaintiffs shall reply to oppositions pursuant to the Northern District of California Local Rules.	December 22, 2008	
21				
22				
23				
24				

¹ This and all following dates includes a 12-month "stay" period in light of the pending federal investigation. This date, and all subsequent dates are subject to adjustment based on the Court's evaluation and subsequent orders with respect to any requests of the United States stemming from the progress and needs of its investigation.

1	Hearing on Motions for Class Certification		January 22, 2009	
2				
3	Fact discovery closes.	February 1, 2008	April 1, 2009	
4	Last date for Plaintiffs and Defendants to serve expert reports on merits.	February 29, 2008	Defendants propose sequential expert discovery - see below	
5				
6				
7	Last date for Plaintiffs to serve expert reports on merits		April 29, 2009	
8				
9	Last date to depose Plaintiffs' Experts		May 27, 2009	
10				
11	Last date for Defendants to serve expert reports		June 24, 2009	
12				
13	Last date to depose Defendants' Experts		July 22, 2009	
14				
15	Reports in reply to responsive reports due		August 19, 2009	
16				
17	Close of expert discovery		September 16, 2009	
18				
19	Last date to file dispositive motions		October 16, 2009	
20				
21	Oppositions to dispositive motions due	Oppositions shall be filed to motions pursuant to the Northern District of California Local Rules.	November 20, 2009	
22				
23	Reply briefs in support of dispositive motions due	Reply briefs shall be filed to motions pursuant to the Northern District of California Local Rules.	December 18, 2009	
24				
25				
26	Hearing on dispositive motions	May 23, 2008	January 21, 2010	
27				
28				

1	Pretrial Exchange		April 11, 2010	
2	Settlement Conference	June 13, 2008	April 21, 2010	
3	Pre-trial Conference	June 27, 2008	May 11, 2010	
4	Trial	August 4, 2008	June 14, 2010	